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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,691

Filing Date: December 22, 2000

Appellant(s): Moran, Thoman; McSweeney, John

Thomas Moran and John McSweeney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 31, 2007 appealing from the Office action mailed June 1, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Mustafa US Patent Publication No. 2002/0059378

Netlingo definition of "Web Page" March 28, 2008

Webopedia definition of "download" March 28, 2008

Webopedia definition of "copy" March 28, 2008

Webopedia definition of "servlet" March 28, 2008

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-9, 11, 13-18, and 19-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Mustafa Patent Publication No. 2002/0059378. Mustafa teaches the invention as claimed including establishing connection between an agent and a user (see abstract).

As per claims 1, 13, 17, and 19, Mustafa teaches a method, apparatus, computer program, telephone terminal, and website of providing a web page to a telephone terminal employed by a member of a call, comprising the steps of:

(i) maintaining a record of an association between stored web pages and pre-specified information identifying one or more potential call members (accessing web pages online; pp 0032, 0036-0037, 0052, 0053);

(ii) when said call is in progress, identifying a member of said call and selecting one of the stored web pages based on an association in said record between said selected one of the stored web pages and information identifying said member of said call (the agent and client connected on the phone and directly on the Internet, viewing the same web pages; 0032, 0033, 0041); and

(iii) providing the selected web page to a telephone terminal employed by a call member (the agent and client connected on the phone and directly on the Internet, viewing the same web pages; 0032, 0033, 0041).

As per claim 2, Mustafa teaches a method as claimed in claim 1 wherein the web pages are provided on behalf of a second call member to a call member (the client or the agent provide web pages to each other; pp 0030, 0032).

As per claim 5, Mustafa teaches a method as claimed in claim 4 wherein the pre-defined web server is accessed by setting up a data call from the first call member to the web server (a client accesses a server for a specific merchant; 0030, 0032).

As per claim 6, Mustafa teaches a method as claimed in claim 2 wherein each of the call members comprises a terminal connected to a communications network over which the call is established (the user and agent utilize terminals; 0028).

As per claim 7, Mustafa teaches a method as claimed in claim 6 wherein each of said terminals comprise a web-browser suitable for displaying a web page on the terminal (pp 0028-0029).

As per claim 8, Mustafa teaches a method as claimed in claim 6 wherein web pages are stored on each of the terminals (downloading the web pages; 0044, 0046, 0053).

As per claim 9, Mustafa teaches a method as claimed in claim 2 which further comprises storing a second plurality of web pages which are to be provided on behalf of the first call member (agent storing web pages sent by the client; 0044, 0046, 0053).

As per claim 11, Mustafa teaches a method as claimed in claim 10 wherein said information about one or more potential call members comprises directory numbers (pp 0032, 0053).

As per claim 14, Mustafa teaches an apparatus as claimed in claim 13 which is a web server (0032).

As per claim 16, Mustafa teaches a communications network comprising an apparatus as claimed in claim 13 (0029).

As per claim 15, Mustafa teaches an apparatus as claimed in claim 13 wherein said input arranged to access said stored web pages is arranged to send java servlets to one or more backend databases where the web pages are stored (0030, 0032).

As per claim 18, Mustafa teaches a computer program as claimed in claim 17 which is stored on a computer readable medium (0028, Fig. 1, 0046, 0053).

As per claim 20, Mustafa teaches a method as claimed in claim 19 where communication is established with the source by sending a command to a pre-defined web server address (0032).

As per claim 21, Mustafa teaches a method as claimed in claim 19 which further comprises sending information about the telephone terminal to the source (0031, 0032, 0053).

(10) Response to Argument

The examiner summarized the various points raised by the Appellant and addresses replies individually.

As per Appellant's arguments filed on December 31, 2007:

A: Applicant argues that Mustafa does not teach the limitation of claim 1 that a record of an association between stored web pages and and pre-specified information identifying one or more potential call members. In particular, Applicant argues that the Mustafa system citing websites does not read onto the claimed wording of "web page."

In response to Applicant's argument A that the term website does not read onto the claimed wording of web page, Figures 5-7 of Mustafa are presented, where it is shown that the client and the agent are both directed to the same Web Page and both have a Web Page view on their terminal. Also, paragraph 0042 of Mustafa teaches that the client and agent are viewing a web page. From these specific teaching, it is shown that the term web page and website are used interchangeably in the reference Mustafa. Paragraphs 0036-0037 and paragraph 0045 also refer to a web page to show what the client is viewing.

For further evidence, the definition of Web Page as found on the website NetLingo is also provided. In the definition, on the third paragraph, it is noted that the term Web Page can be used interchangeably with website.

Finally, it is shown from the reference itself and from an industry definition of web page that the reference teaches and reads on the claimed wording of Web Page.

B: Applicant argues that Mustafa does not teach limitation of claim 1 “when said call is in progress, identifying a member of said call. Specifically, the Applicant argues that it is essential to the claim that the call is taking place when the call member is identified.

In response to Applicant’s argument B, Mustafa teaches that the members of the call are identified while the call is in progress. In paragraph 0032, Mustafa teaches that the agent receives the profile number of the client once the request is accepted. This shows that the member of the call is not identified until the agent accepts the request for a call. Hence, Mustafa teaches that the call is in progress when the member of the call is identified.

C: Applicant argues that Mustafa does not teach the limitation of claim 1 of “selecting one of the stored web pages based on an association in said record between said selected one of the stored web pages and information identifying said member of said call.”

In response to Applicant’s argument C, Mustafa teaches that an agent is selected based on its association with the web page. The information is sent to the client and the web page is sent to the agent and to the client. This is taught in paragraph 0032, lines 13-36 on the second column of page 2. In paragraph 0033, Mustafa teaches that the agent receives the client profile

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information. These teachings in Mustafa read on the limitation (ii) of the claim. The agent which has the proper authorization and resources of Mustafa reads on the part of the limitation stating "identifying a member of said call." The part of the limitation stating "selecting a stored web page and based on information identifying said member of said call" is taught by Mustafa by the teaching that specific agents are authorized to entertain questions from clients on only certain web pages. This authorization associates the agents with the specific stored web pages of the system, paragraph 0032, lines 4-14. Based on this association, an agent is chosen to be connected to the client and the web page on which the client is working is sent to the agent.

Also, Mustafa teaches the information identifying said member of said call because Mustafa teaches that the agent receives the client profile when the call is accepted. This is taught in paragraph 0045. The profile of the client that is sent to the agent reads on the limitation of information identifying member of said call.

It is concluded that based on the above examples, Mustafa teaches "selecting one of the stored web pages based on an association in said record between said selected one of the stored web pages and information identifying said member of said call."

D: Applicant argues that Mustafa does not teach the limitation of claim 1 of "providing the selected web page to a telephone terminal employed by a call member."

In response to Applicant's argument D, the system of Mustafa is explained. Mustafa teaches that a client is viewing a web page, as shown in Figure 3. If the client requires more help than what is shown on the web page, he has the option of connecting to an agent who can assist

him. This option is shown by the dialog box 103 in Figure 3. When the client clicks on the link, a record is formed in the database of the agent system, as shown in Figure 4 and paragraph 0032. This record relates the page the client is viewing with the client itself. When the call is accepted and in progress, the agent and the client are viewing the same page, based on the association of record provided to the agent, as shown in Figures 7 and 8 and specifically described in paragraph 0045. Paragraph 0046 also teaches that the agent receives the same information being viewed by the client from the Web Server. This teaches that the web page is provided to a call member. Also, in applicants arguments for Dependant claim 15 on page 14 of the Brief, applicant correctly recognizes that the system in Mustafa teaches to duplicate the content between the browsers of the client and the agent. This Duplication of content teaches providing the web page to a call member.

Mustafa also teaches that there are two mouse cursors on the web page when the agent and the client are communicating. This is taught in paragraph 0042. By allowing the client and the agent to see each others mouse cursor, Mustafa is teaching that the client and agent are provided the same web page. Hence, Mustafa teaches "providing the selected web page to a telephone terminal employed by a call member."

E. Applicant argues that Mustafa does not teach that the web pages are stored on each of the terminals as taught by claim 8.

In response to Applicant's argument E, claim 8 is dependant on claim 6, which is dependant on claim 2, who is dependant on claim 1. Mustafa teaches that the web page is downloaded from the server. This is taught in paragraph 0046. The agent has access to the web

page and all the properties of the web page after it is downloaded from the server. As shown by the provided Webopedia definition of downloading, downloading is the copying of information from one computer to another. So, in Mustafa, the information is download, or copied (as shown in the provided Webopedia definition of copy) from the Web Server to the agent system, be it for a short period of time. Copying data is analogous to storing data. Hence, Mustafa shows that the web pages are stored on each of the terminals as taught by claim 8.

F. Applicant argues that Mustafa does not teach storing a second plurality of web pages which are to be provided on behalf of the first call member as taught in claim 9.

In response to Applicant's argument F, Mustafa teaches that while the client and agent are in a call and communication is occurring, if the client is in need of further help, it can click on a hyperlink on the web page it is accessing and get assistance to another web page. This second web page is also sent to the agent and downloaded by the agent. The hyperlinks of web pages on the current web page, as shown in Figure 7 teaches a second plurality of web pages which are to be provided on behalf of the first call member as taught in claim 9. The storing of the web pages is taught by the reference in that the web pages are downloaded. As shown by the provided Webopedia definition of Downloading, downloading is the copying of information from one computer to another. So, in Mustafa, the information is download, or copied (as shown in the provided Webopedia definition of coy) from the Web Server to the agent system, be it for a short period of time. Copying data is analogous to storing data. So, Mustafa teaches storing a second plurality of web pages which are to be provided on behalf of the first call member as taught in claim 9.

G. Applicant argues that Mustafa does not specify information identifying one or more potential call members comprises directory numbers as taught in claim 11.

In response to Applicant's argument G, Mustafa teaches that the agent is provided with the clients profile number and the IP address of the client in paragraph 0032. The IP address of the client is provided so that the agent can directly connect to the client through the network. The network can be a PSTN or ATM/FR network. The IP address of the client provided allows the agent to communicate with the client. The IP address teaches the directory number of the claim.

H. Applicant argues that Mustafa does not teach the java servlet of claim 15.

In response to Applicant's argument H, the Applicant correctly recognizes in his arguments that the paragraphs referenced in the rejection, 0030 and 0032 teach software applets. The applets taught by Mustafa ensure that client and agents system can operate the application used to duplicate the content between the agent and client browsers. A servlet, as defined by the Applicant is an object that receives a request and generates a response based on that request. The applets of Mustafa perform the same function, as they receive the request from a client or an agent to download certain web pages or applications to a web browser to view the specific web page and respond to that request by providing the web page or the application. Also, in the provided Webopedia definition of servlet, a servlet is analogous to an applet within a web browser environment. For these reasons, Mustafa teaches the servlet of claim 15.

I. Applicant argues that Mustafa does not teach the limitation of claim 19 which states "on initiation or receipt of a telephone call by the telephone terminal, establishing communication with a source that has access to a plurality of web pages." Specifically, Applicant argues that Mustafa does not teach that the call is initiated or received as a prerequisite to establishing communication with a sources have access to a plurality of web pages.

In response to applicant's argument I, Applicant correctly notes that Mustafa teaches that the voice traffic is carried within the web browser session as explained in paragraphs 0035 and 0043. This teaching of Mustafa clearly reads on the claimed limitation as the claim does not call for a prerequisite to establishing communication. The claim limitation recites *on initiation or receipt*, meaning that the sources does not need access to a plurality of web pages before the call is established. The access to the web page, according to the claim, is on initiation or receipt of a call. The limitation of "on receipt" of a call can be once the call is established as clearly taught by Mustafa in the above referenced citation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

/Uzma Alam/

Examiner, Art Unit 2157

March 28, 2008

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